THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.6547 of 2007

Between:

Zakir Basha.

.. PETITIONER

and

The Circle Inspector of Police,
Kurnool II-Town P.S.Kurnool and another.

..
RESPONDENTS

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ORDER:

The petitioner submits that one Mr.V.Thimmayya after obtaining

loan from Vijaya Bank, Kurnool, for purchase of Soda Bottle Unit under P.M.R.Y scheme, an order was placed for supply of Soda Bottle Unit cum machine to the petitioner in favour of M/s. A.S.K.Enterprises. Accordingly, the petitioner delivered the new Model Soda Machine under quotation on 23-04-2005 with warrant of 17 months. However, after receiving the delivery on 28-04-2005, the said Thimmayya made certain complaints with regard to repairs and the repairs were also made. But, even after making repairs, the said Thimmayya refused to take the machine and pressurized to give back the money instead of defect machine.

It is further stated that the 1st respondent is illegally interfering with the civil disputes between the petitioner and the said Thimmayya.

Admittedly, the petitioner has not made any representation before the Superintendent of Police with regard to the alleged interference of the 1st respondent with the civil disputes between the petitioner and the said Thimmayya. Further, the said Thimmayya is not made as a party to this writ petition.

I am not inclined to express any opinion with regard to the said civil disputes of the petitioner. Further, it is not known as to whether the said Thimmayya filed any complaint against the petitioner. However, if the 1st respondent is interfering with the civil disputes of the petitioner, it is always open for the petitioner to make a representation before the Superintendent of Police for taking appropriate action against the 1st respondent. But, however, without making any such representation, it may not be just and proper to issue any Writ of Mandamus, as claimed by the petitioner.

Accordingly, the writ petition is dismissed with a liberty to the petitioner to make representation with regard to the alleged interference of the 1st respondent before the Superintendent of Police. There shall be no

order as to costs.

02-04-2007

Prv